

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*
Case No. 1:18-op-45004

MDL No. 2804

Hon. Dan A. Polster

**NOTICE OF SERVICE OF DEFENDANTS' OPPOSITION TO
TRACK ONE PLAINTIFFS' MOTION FOR PARTIAL SUMMARY ADJUDICATION OF
DEFENDANTS' DUTIES UNDER THE CONTROLLED SUBSTANCES ACT**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, ECF No. 1719, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company (Co-Liaison Counsel for the Manufacturer Defendants); Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (Co-Liaison Counsel for the Manufacturer Defendants); Cardinal Health, Inc. (Co-Liaison Counsel for the Distributor Defendants); AmerisourceBergen Drug Corporation (Co-Liaison Counsel for the Distributor Defendants); McKesson Corporation (Co-Liaison Counsel for the Distributor Defendants); and Walgreens (Liaison Counsel for the Chain Pharmacy Defendants) hereby provide notice that on July 31, 2019, they served unredacted copies of the following documents on all Parties, the Court, and the Special Masters:

- Defendants' Opposition to Track One Plaintiffs' Motion for Partial Summary Adjudication of Defendants' Duties under the Controlled Substances Act;
- Declaration of Christian J. Pistilli in Support of Defendants' Opposition to Track One Plaintiffs' Motion for Partial Summary Adjudication of Defendants' Duties under the Controlled Substances, along with the corresponding Exhibits 1 to 2;
- Summary Sheet for Defendants' Opposition to Track One Plaintiffs' Motion for Partial Summary Adjudication of Defendants' Duties under the Controlled Substances (also attached hereto as Exhibit A).

Pursuant to the Directions Regarding Filing of Briefs Under Seal, Defendants also notified the following non-parties that their confidential information may be included in the filing: the federal Drug Enforcement Administration.

Dated: July 31, 2019

Respectfully Submitted,

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¹ On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the summary judgment briefing filed in the MDL Track One cases.

Teva Pharmaceutical Industries Ltd., Allergan plc f/k/a Actavis plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this Opposition as a result of the Court's deadline to file oppositions to dispositive motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

In the Complaints, Plaintiffs lump Noramco together with Johnson & Johnson and its other affiliated entities, all Marketing Defendants, or all Defendants collectively. For this reason, Noramco joins this opposition even though it never manufactured, packaged, branded, marketed, promoted, distributed or sold the finished drug products that are at issue in this litigation. Indeed, there is no evidence that Noramco engaged in any wrongful conduct that might give rise to liability (*See* Noramco's Mem. ISO Mot. for J. on the Pleadings or, in the Alternative, S.J. (Dkt. 1902-1), let alone that it had the duties Plaintiffs allege under the CSA or that it breached those alleged duties.

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CERTIFICATE OF SERVICE

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart
GEOFFREY E. HOBART